

**REMARKS**

***I. Amendment to the Claims***

Upon entry of the foregoing amendment, 5 claims are pending in the application. Of the pending claims, 3 claims are independent.

***II. Rejections under 35 U.S.C. § 102(b)***

The Examiner has rejected Claims 3-5 under 35 U.S.C. §102(b) as being anticipated by Johnson (U.S. Patent 3,362,530). Based on the amendments to claims 3 and 4 as provided herein, Applicant respectfully submits that the rejections of claims 3-5 are rendered moot and requests that the rejections be reconsidered and withdrawn.

The Examiner states that Johnson contains the steps recited in claims 3-5, including providing a first telescoping component (sleeve S or S') and either a second telescoping component (neck 13 of container 11) or a base (walls and bottom of container 11). However, to the extent that sleeve S or S' may be said to telescope relative to neck 13 or relative to the sides and bottom of container 11, there is no provision in Johnson for a "friction-fitting, substantially liquid-tight seal" between sleeve S/S', as is required in claims 3 and 4 as amended. Furthermore Johnson (col. 4, lines 18-22) notes that the sleeves S, S' have flanged edges 16, 23 and 19, 20, respectively (see Figs. 2-3, 5-7). These flanged edges prevent the possibility of adapting sleeve S/S' to have a "substantially liquid-tight seal" with neck 13. Therefore Johnson does not read on claims 3 and 4 as amended.

The amendments to claims 3 and 4 are fully supported by the originally-filed specification and as such no new matter is added by these amendments. In addition, since the elements added

to claims 3 and 4 by amendment herein are substantially similar to a limitation already contained in previously-allowed claim 1, no new issues have been raised by these amendments.

### **III. Conclusion**

Applicant respectfully submits that independent claims 3-5 are allowable over the prior art of record, including the cited references.

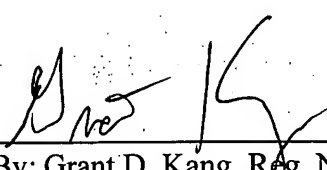
All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment is respectfully requested.

Respectfully submitted,

3/1/05

  
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